

Attorney Docket No.: CG-1117
Inventor: Robinson
Appl. No.: 10/628,599

REMARKS

Claims 1-48 and 53 remain pending in the instant application. Please amend Claims 1, 47 and 53. Claims 49-52 are canceled. On August 16, 2005, Applicant's attorney contacted Examiner Hylton concerning application no. 10/628,599 and the pending office action.

Applicant's attorney elects Claims 1-20, with traverse. During the conversation the Examiner generally alleged that Applicant's invention was directed to various embodiments of the closure designs shown in the Figures, various container neck and various resealing structures. Accordingly, the Examiner alleged that the restrictions were proper.

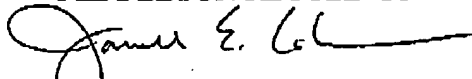
To the contrary, Applicant's attorney asserted that the Examiner's allegations were improper since there are not two independent and distinct inventions claimed in the application, as required by 35 U.S.C. § 121 for the Examiner to issue a restriction. Specifically, Applicant's invention is directed to the slip feature applied to at least one of the rescal liner and the inner seal, as claimed in amended Claim 1. Such feature is claimed in narrower terms throughout the remaining independent claims of the instant application and therefore is asserted to be generic with respect to the claim set.

In view of the above comments, the Examiner is respectfully requested to withdraw the restriction requirement and prosecute all claims in one application for both the furtherance of this application and for the benefit of the public.

DATED: August 19, 2005

Respectfully submitted,

MIDDLETON REUTLINGER


James E. Cole
Reg. No. 50,530

Attorney Docket No.: CG-1117
Inventor: Robinson
Appl. No.: 10/628,599

2500 Brown & Williamson Tower
Louisville, Kentucky 40202
Direct Dial: 502.625.2746
Fax: 502.561.0442
Email: jcole@middreut.com